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Remarks

This is in response to the final Office Action mailed March 7, 2006 which rejected claims 1-2, 5-8 and 11-18, and objected to claims 3-4 and 9-10.

Rejection of Claims Under 35 U.S.C. §102(b)

Claims 1-2, 5-8 and 11-12 were finally rejected as being anticipated by U.S. Patent No. 5,735,732 to Bernard ("Bernard '732"). This rejection is respectfully traversed.

Independent claim 1 recites "*a guide feature that maintains a longitudinal length of the bit along a predetermined axial line and at a predetermined angular orientation with respect to said line as said material is removed by the grinding wheel assembly.*"

In the Response to Arguments section of the final Office Action, the Examiner stated, "[t]he angular orientation [of independent claims 1 and 7] *can be interpreted as relative to the longitudinal axis and cannot be reasonably limited to a rotational orientation of the bit relative to the grinding wheel assembly.*" Final Office Action, page 3, lines 18-20 (emphasis added). The Applicant respectfully traverses this statement as a mischaracterization of the plain language of these claims.

Claim 1 recites the "*predetermined angular orientation*" as being maintained "*with respect to [the predetermined axial] line.*" Similarly, claim 7 similarly recites the "*constant angular orientation*" as being maintained "*with respect to [the predetermined axial] line.*" The recited "*predetermined axial line*" is recited as a line along which the longitudinal length of the bit is maintained during the grinding operation. It is thus clear error to substitute a phrase "*longitudinal axis*" for "*predetermined axial line,*" as the Examiner has

done here. As will be appreciated, a “longitudinal axis” will move as the bit is moved, whereas a “predetermined axial line” does not.

Moreover, the Examiner stated that Bernard ‘732 discloses a point splitting apparatus that *“orient[s] the drill bit by maintaining a longitudinal length of the bit and a predetermined angular orientation of the bit relative to the grinding wheel assembly.”* Again, this is respectfully traversed as a mischaracterization of Bernard ‘732.

Bernard ‘732 clearly discloses to initially insert the bit 400 (by way of chuck 200) into the point splitting port sleeve 110 along a first predetermined axial line so that the bit is initially not in contact with the grinding wheel 74. As shown in FIG. 11, a rebound leg 114 biases the bit away from the grinding wheel 74 in this initial position. See col. 7, line 61 to col. 8, line 1; col. 4, lines 1-3 (*“FIG. 11 is a cross-sectional view...of the point-splitting port, illustrating the insertion position of the chuck and drill”*).

Bernard ‘732 further discloses that the user subsequently swings the bit into contact with the grinding wheel 74 to carry out the split-port operation, as illustrated by FIG. 12. This occurs by the user applying force to the rear of the chuck to overcome the biasing force of the leg 114, inducing rotation of the bit (and chuck) about pivot pin 112. See col. 8, lines 1-9; col. 7, lines 55-61; col. 4, lines 4-6 (*“FIG. 12 is a cross-sectional view...of the point-splitting port, illustrating the chuck and drill once the drill has been moved into contact with the grinding wheel.”*). Material is therefore removed as the user pivotally advances the bit into the grinding wheel 74. Col. 8, lines 6-12.

Accordingly, the Applicant respectfully submits that Bernard ‘732 fails to disclose *“a guide feature that maintains a longitudinal length of the bit along a predetermined axial*

line and at a predetermined angular orientation with respect to said line as said material is removed by the grinding wheel assembly," as featured by claim 1.

Bernard '732 further fails to disclose "wherein the point-splitting operation is carried out by inserting the bit into the port and using the guide feature to maintain the bit in a first orientation while removing a first portion of said material from the bit, removing the bit from the port, and reinserting the bit into the port and using the guide feature to maintain the bit in a second orientation that is 180 degrees opposite the first orientation with respect to the axial line while removing a second portion of said material from the bit," as featured by claim 1.

Reconsideration and withdrawal of the rejection of claim 1, and for the claims depending therefrom, are respectfully requested on this basis.

Similarly, Bernard '732 is silent with regard to disclosing a point-splitting port which "comprises a guide feature that maintains a longitudinal length of the bit along a predetermined axial line and at a constant angular orientation with respect to said line prior to and during the point-splitting operation," as featured by claim 7. Reconsideration and withdrawal of the rejection of claim 7, and for the claims depending therefrom, are respectfully requested on this basis.

Rejection of Claims Under 35 U.S.C. §103(a)

Claims 13-18 were finally rejected as being obvious over Bernard '732 in view of U.S. Patent No. 2,426,478 to Whipple ("Whipple '478"). This rejection is respectfully traversed.

Independent claim 13 generally features *"a debris collector to collect debris from the grinding wheel assembly, wherein the collector is adapted to be removeably coupled to either one of said ports while the chuck is inserted into the remaining one of said ports, and wherein the debris collector is further adapted to be connected to a vacuum hose."*

In the Response to Arguments section of the final Office Action, the Examiner stated that Whipple '478 teaches this limitation since the reference teaches that the collector *"is removeably connected to the housing, and therefore to both ports."* Final Office Action, page 4, lines 15-17. As before, the Applicant respectfully submits that the Examiner fails to account for the explicit language of claim 13.

Claim 13 recites the collector as being *"adapted to be removeably coupled to either one of said ports while the chuck is inserted into the remaining one of said ports."* The term "either" is exclusive and would be readily understood by the skilled artisan as meaning one or the other, but not both. Moreover, reference to "the remaining one" in the claim clearly requires that the "either one" be exclusive and singular, as "the remaining one" is the one to which the collector is not coupled. The Examiner has thus construed the claim phrase "either one" as meaning "at least one," which is improper and constitutes reversible error.

Moreover, merely connecting a debris collector such as taught by Whipple '248 to the housing in general as suggested by the Examiner would defeat a purpose of the recited debris collector in collecting debris from the grinding wheel assembly, since the unused port would readily allow debris to escape from the housing through the unused port. See e.g., page. 9, lines 14-21.

For these reasons, the Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 13-18 under §103(a).

Allowable Subject Matter

The Applicant gratefully acknowledges the indication of allowability of claims 3, 4, 9 and 10.

Conclusion

This is intended to be a complete response to the final Office Action mailed March 7, 2006. The Applicant respectfully requests reconsideration and allowance of all of the pending claims. Should any questions arise concerning this Response, the Examiner is invited to contact the below signed attorney.

Respectfully submitted,

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